

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

BARBARA J. BENFORD,

Plaintiff,

vs.

Civ. No. 00-1758 M/WWD ACE

THE EVANGELICAL LUTHERAN GOOD
SAMARITAN SOCIETY d/b/a MANZANO
DEL SOL GOOD SAMARITAN VILLAGE,

Defendant.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon Defendant's Motion to Compel Discovery and for Sanctions [docket no. 37] filed July 2, 2001. Defendant seeks an order compelling Plaintiff to answer fully interrogatory no. 5 and interrogatory no. 10 from Defendant's First Set of Interrogatories propounded to Plaintiff.

Interrogatory No. 5

This interrogatory seeks itemization of all damages claimed by Plaintiff in the lawsuit. Plaintiff's answer is incomplete in that it does not list the medical expenses incurred to date. Plaintiff indicates that she is seeking that information from the medical provider and will furnish it to Defendant when it is obtained. The portion of the answer dealing with attorney fees should be brought up to date. Plaintiff will not be required to quantify damages for mental distress or mental anguish. Likewise, Plaintiff will not be required to calculate losses for "paid time off" since the information concerning this claim is in Defendant's possession.

Interrogatory No. 10

This contention interrogatory seeks explication of paragraph 21 of Plaintiff's complaint which alleges that Manzano del Sol terminated Plaintiff's employment "so that, among other reasons, Manzano del Sol would not be required to produce certain documents at a scheduled deposition." There is no explication with respect to "other reasons". If there are any other reasons that Plaintiff contends for the basis of her termination, she should list them in a supplemental response to interrogatory no. 10.

Plaintiff shall furnish the above-mentioned supplemental responses to Defendant in the proper form on or before August 21, 2001. No sanctions will be assessed against Plaintiff in connection with the instant motion.

Discovery shall proceed in accordance with the foregoing.

IT IS SO ORDERED.



UNITED STATES MAGISTRATE JUDGE